

Division of Behavioral Health Services

Bureau of Compliance

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To: RBHA CEOs, TRBHA Directors, Medical Directors and Clinical Leadership

From: Margaret Russell
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Subject: **Policy Clarification: PROVIDER MANUAL SECTION 3.14, Securing Services and Prior Authorization**

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This memorandum is intended to clarify the responsibilities of Tribal and Regional Behavioral Health Authorities (T/RBHAs) and T/RBHA providers in meeting the Arizona Department of Health Services/Division of Behavioral Health Services (ADHS/DBHS) policy requirements regarding documentation of behavioral health services. Specifically persons receiving behavioral health services must be treated in the most appropriate, least restrictive and most cost effective setting, and have sufficient intensity of service and supervision to safely and adequately treat their condition.

In Provider Manual Section 3.14, ADHS/DBHS requires a Certificate of Need (CON) be made by a physician that inpatient services are needed at the time of admission. Moreover, for persons under the age of 21 receiving inpatient psychiatric services, the ADHS/DBHS Provider Manual Section 3.14.7-B requires:

- *The CON must be completed by a team that is independent of the facility and must include a physician who has knowledge of the person's situation and who is competent in the diagnosis and treatment of mental illness, preferably child psychiatry;*
- *For emergency admissions, the CON must be completed by the team responsible for the treatment plan within 14 days of admission; and*
- *For persons who are admitted and then become Title XIX or Title XXI eligible while at the facility, the team responsible for the treatment plan must complete the CON. The CON must cover any period of time for which claims for payment are made.*

ADHS/DBHS wishes to clarify the nature of the team responsible for completing the CON for emergency admissions. Specifically, 42 CFR 441.153 defines this team as the same team responsible for developing the client's plan of care. As described in 42 CFR 441.156, this team is "*an interdisciplinary team of physicians and other personnel who are employed by, or provide services to patients in, the facility.*" Therefore, there is no requirement that the CON be completed by a team independent of the facility for emergency admissions.